

Remarks / Arguments

Claims 1-20 are pending in the present application. Claim 17 has been amended above to correct informalities inadvertently introduced in the Amendment of October 11, 2005. No new matter is introduced herein.

Claims 1-13, 19 and 20 stand rejected under 35 USC 102, as being anticipated by U.S. Patent No. 5,956,348 to Creigh et al. (hereinafter "Creigh"). For the reasons set forth below, Applicants respectfully disagree.

In support of this rejection, the Examiner asserts that:

Creigh discloses a data compression multiplexer apparatus comprising...a control unit 68 transmit for providing [a] control signal identifying a predetermined portion of non-unique invariant content (fig. 8; the EI 60 and SI 58 symbols read on the non-unique, invariant content) being identified using pre-knowledge...and wherein said data stream processing element in response to said control signal removes said predetermined portion of non-unique, invariant content...(Emphasis added; Office Action, pp. 3-4).

Applicants respectfully disagree with the Examiner's characterization of Creigh. With respect to the EI and SI symbols that the Examiner contends read on the "non-unique, invariant content" language explicitly recited in independent claims 1, 8, 19 and 20, Creigh states:

As implied by their names, the SI and EI stretch symbols are intended to be interpreted by a station receiving the stretched frame as meaning that the station should ignore the SI and EI symbols and anything in the stretched frame between those two symbols. (Creigh, col. 5, lines 53-57).

Creigh goes on to unequivocally state:

Any stretch symbols that are chosen must, of course, be unique and therefore recognizable by symbol detector logic. (Emphasis added; Creigh, col. 6, lines 23-24).

As such, contrary to the Examiner's assertions, Creigh does not teach the use of non-unique invariant content. In fact, Creigh teaches away from using "non-unique" invariant content. Creigh even goes so far as to explicitly require that the content in question be

unique. (Note the use of the word “must” in the above-cite excerpt of Creigh at col. 6, lines 23-24.)

In light of the foregoing, Creigh does not disclose all of the elements of independent claims 1, 8, 19 and 20 and therefore cannot anticipate those claims. It follows, therefore, that Creigh also does not anticipate claims 2-7 and 9-13 which depend from claims 1 and 8, respectively. As such, Applicants respectfully request withdrawal of the rejection of claims 1-13, 19 and 20 under 35 USC 102 as being anticipated by Creigh.

Claims 14, 16, and 17 stand rejected under 35 USC 103(a) as being unpatentable over Creigh in view of U.S. Published Patent Application No. 2001/0014104 A1 to Bortoff et al. (hereinafter “Bortoff”). For the reasons set forth below, Applicants respectfully disagree.

Applicants respectfully submit that the Examiner’s proposed combination of Creigh and Bortoff does not render obvious the invention as recited in independent claims 14 and 17. Even if the teachings of Bortoff can properly be combined with Creigh as proposed by the Examiner, no such combination would render the claimed invention unpatentable because Bortoff does not overcome the above-described deficiencies of Creigh. Even if Bortoff discloses a “communication network comprising a data stream multiplexer” as the Examiner contends, this does not teach the “non-unique, invariant content” limitation explicitly recited in independent claims 14 and 17, and incorporated by dependence in claim 16.

For the foregoing reasons, Applicants respectfully assert that the present invention as claimed in claims 14, 16 and 17 is indeed patentable over Creigh in view of Bortoff. Applicants therefore respectfully request withdrawal of the 35 USC 103(a) rejection of pending claims 14, 16 and 17.

Applicants appreciate the careful examination performed on the instant application and thank the Examiner for the indication of allowance of claims 15 and 18.

In view of the foregoing, Applicants respectfully submit that all pending claims, 1-20, are allowable in their present form. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If however, there remain any unresolved issues requiring adverse action in any of the claims now pending in this application, the Examiner is urged to contact the undersigned so that any such issues can be resolved as expeditiously as possible.

Respectfully submitted,

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